IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

And
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 974 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/04/2005 in WP No: 8598 OF 2005 on the file of the High Court.)

Between:

1 Karri Ramada S/o. Late Veeranna, Hindu
R/a Kummarigunta Vill & PO, Saravokota Mandal, Srikakulam Dt.
2 Ponnana Krishna Rao S/o. Late Lakshmi Narayana
R/a Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
3 Kalyanam Ramamohan Rao S/o. Rama Rao, Hindu
R/a Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
4 Gollangi Papayya S/o. Krishnamurhty, Hindu
R/a Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
5 Pagoti Narayana S/o. Late Ramanna, Hindu
R/a. Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
6 Kattiri Appa Rao S/o. Late Papanna, Hindu
R/a. Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
7 Ponnana Narasimhulu S/o. Late Lakshmi Narayana,
R/a. Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
8 Kalyanam Chinnammadu W/o. Sankara Narayana
R/a. Aludu Village & PO, Saravokota Mandal, Srikakulam Dt.
9 Palli Appala Narasamma W/o. Karrenna , Hindu
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.
10 Palli Bojjaiah S/o. Late Jogulu , Hindu
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.
11 Vana Venkataramana S/o. Late Suryanarayana , Hindu
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.
12 Simhadri Brahmaiah S/o. Sankara Narayana,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.
13 Balaga lakshminarayana S/o. Veeranna
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.
14 Saravakota Sanyasamma W/o. Mokhalingam, Hindu,

R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

15 Saravakota Simhachalam S/o. Bodenna, Hindu,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

16 Karre Sriramulu S/o. Suryanarayana, Hindu,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

17 Kornu Raja Rao S/o. Ramamurhty Hindu,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

18 Gunda Narayanamma W/o. Karuvodu, Hindu,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

19 Palle Lingamurhty S/o. Late Simmanna Hindu,
R/a. Kummarigunta Village & PO, Saravokota Mandal, Srikakulam Dt.

..... APPELLANTS

AND

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary, Hyderabad.
2 The District Collector, Srikakulam, Srikakulam District.
3 The Revenue Divisional Officer-cum- Land Acquisition Officer, Palakonda, Palakonda Mandal, Srikakulam District.

.....RESPONDENTS

Counsel for the Appellant: MR.K.S.GOPALA KRISHNAN

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following:

Oral order: (Per: The Hon'ble Mr. Justice Goda Raghuram)

This appeal is directed against the order dated 26-04-2005 in W.P.No. 8598 of 2005 of the learned single Judge of this court rejecting the writ petition. The petitioners are owners of small extents of land in different survey numbers in Sarvakota of Srikakulam district, which is said to be notified for acquisition for laying a road between Kothur and Sarvakota villages. The urgency clause under Section 17 of the Land Acquisition Act, 1894 (for short 'the Act') was invoked dispensing with the inquiry under Section 5-A of the Act. The fact that these lands were earlier sought to be acquired for the same purpose in the year 2000, but such acquisition proposals were given up in the same year, is not in dispute. In the circumstances, the action of the respondents invoking the urgency clause under Section 17 (4) of the Act and dispensing with the inquiry under Section 5-A of the Act does not appear either reasonable or consistent with the relevant statutory provisions. The acquisition proceedings are set aside to the extent of dispensing with the inquiry under Section 5-A of the Act. The respondents shall conduct inquiry under Section 5-A of the Act and then proceed with for the acquisition process.

The writ appeal is accordingly disposed of. No costs.

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GODA RAGHURAM, J

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Dr. G. YETHIRAJULU,J

Dated: 03-05-2005

Pvks

Nb:- Furnish c.c. tomorrow.

B/o

Pvks/*

To

1. The Principal Secretary, Government of Andhra Pradesh, Hyderabad.
2. The District Collector, Srikakulam, Srikakulam District.
3. The Revenue Divisional Officer-cum- Land Acquisition Officer, Palakonda, Palakonda Mandal, Srikakulam District.

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